

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Appl. No.:	10/715,093	Confirmation No.:	3262
Applicant(s):	Vesa Metsatahti et al.	Art Unit:	2166
Filed:	November 17, 2003	Examiner:	Srirama T. Channavajjala
Title:	BOOKMARKING AND ANNOTATING IN A MEDIA DIARY APPLICATION		

Docket No.: 042933/269516

Customer No.: 00826

FILED VIA USPTO E-FILING

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

REPLY BRIEF UNDER 37 CFR § 1.193(b)(1)

This Reply Brief is filed in response to the Examiner's Answer mailed on September 29, 2008, the Examiner's Answer being in response to an Appeal Brief filed on August 27, 2008.

This Reply Brief addresses several points raised by the Examiner's Answer.

7. *Argument.*

As explained in the Appeal Brief at pages 5-14, Claims 1, 2, and 6-10, are patentably distinct from U.S. Patent Application Publication No. 2003/0033296 to Rothmuller et al. ("*Rothmuller*") and U.S. Patent Application Publication No. 2003/0095143 to Lauris ("*Lauris*"), taken alone or in combination, Claims 11, 12, 16-23, 26-38, 41, 43-47, 50, 52-56, 59, and 61 are patentably distinct from *Rothmuller*, *Lauris*, and U.S. Patent Application Publication No. 2002/0113803 to Samra et al. ("*Samra*"), taken alone or in combination, and Claims 39, 40, 48, 49, 57, and 58 are patentably distinct from *Rothmuller*, *Lauris*, *Samra*, and U.S. Patent Application Publication No. 2002/0147744 to Smith et al. ("*Smith*"), taken alone or in combination. Accordingly, Appellants respectfully request that the rejections of these claims be reversed.

In reply to the Examiner's Answer, Appellants again submit that the cited references fail to teach or suggest each and every recited feature of the claimed invention. The Examiner's Answer is, in large part, simply a reiteration of the claim rejections offered in the final Official Action of March 20, 2008. As such, Appellants respectfully submit that since the Appeal Brief

pointed out the flaws in the Examiner's reasoning with respect to these rejections, no further discussion of the issues previously addressed need be presented herein. Rather, Appellants will herein simply respond to the specific assertions from the "Response to Argument" section of the Examiner's Answer (pages 23-40).

10. ***Response to Argument.***

The Appeal Brief included the following facts and assertions:

- Independent Claim 1 reads, *inter alia*, "instructions for generating an information identifier that is associated with at least one item of information . . . wherein the information identifier enhances identification of the at least one item of information by displaying a frame around the at least one item of information based on metadata associated with the item of information."
- "Metadata" is commonly described as follows: "[a]ny item of data is a description of something. Metadata is a type of data where the something being described is data. Or, as it is often put, metadata is data about data." *See, e.g.,* www.wikipedia.org.
- The data regarding operational statuses of the nodes/clusters discussed in *Lauris* are not metadata because the operational status data concern the "nodes," "clusters," and "packages," but these are tangible components of a computing system and not "data."

See pp. 5-8 of the Appeal Brief. The Examiner's Answer now responds that

Lauris is directed to graphical display of object status with respect to elated underlying data , particularly object format files and defining related visual indicators [see Abstract, page 1, 0003], as understood from "MOF" [managed object format], typical main component of "MOF" specifies (i) classes, (ii) properties,(iii) methods regarded as "meta-data" about "MOF" is integral part of Lauris's teaching. Secondly, Lauris teaches modifiable "visual indicators" for example each object border, status of the object is part of he graphical display of object and object status from underlying data [page 2, 0023,

line 8-10] and the data is part of the “MOF” managed object format. Thirdly, as specifically shown in fig 2, node/clusters associated with graphical user interface icons particularly Arabica, decaf, Jamaica, latte.....etc. associated with specific cluster, for example nodes such as decaf,Jamaica,latter are connected to cluster as detailed in fig 2, line 221, each object has not only border, status of object, but also identifies with specific color codes [page 2, 0023, col 2, line 1-3] is integral part of “managed object format” [MOF], therefore, Lauris teaches data regarding operational statuses of the nodes/clusters are “metadata”

See pp. 23-24 of the Examiner’s Answer.

As an overview, *Lauris* discloses “a system that isolates all of the information that determines the look and feel of status displays of a GUI into one file. This file can be quickly edited to change the appearance when needed. For example, in one embodiment, a user requests that an object border should be yellow instead of green for a particular situation. This modification is achieved without code recompilation, by editing a few lines in a file . . . The application source code utilizes a class schema and the modifiable file is read in and processed when the application is launched . . . According to one embodiment of the invention, a class schema is identified which defines the visual components of the GUI that should be modifiable. The class schema and the corresponding class instances are defined in managed object format (MOF) files.” See ¶¶ [0012] and [0013].

Lauris describes the use of the above concept in conjunction with the “multi-computer/serviceguard . . . product,” which “is a specialized facility for protecting mission-critical applications from a wide variety of hardware and software failures . . . ServiceGuard Manager monitors the health of each node and quickly responds to failures in a way that minimizes or eliminates application downtime. Status and information gathered about the network is presented to the user (network administrator) via a GUI.” See ¶¶ [0006] and [0021]. Along these lines, *Lauris* states that “. . . ‘MapStatusIndicator’ class provides a link between an outcome of query and the map decoration: a border or a badge. After a query is run, its result is

compared to a value and if there is a match, a corresponding decoration will be displayed. See ¶ [0033].

To summarize the above, *Lauris* describes a system in which an application determines (via a “query”) the operational status of a physical component (*i.e.*, the nodes, clusters, and packages) and then reads a file (a “MOF file”) in order to determine how the information gathered by the “query” should be displayed. The display of data in *Lauris* is dictated by the MOF file, and is based on the information gathered in the “query” and the dictates of the MOF file. However, neither the information gathered in the “query” nor the MOF file can be considered metadata, as neither is data “about” other data. The former was addressed in the Appeal Brief, where it was explained that the data regarding the operational status of the nodes/clusters/packages were data describing physical objects, not metadata describing data. With respect to the latter, the MOF file is constructed by, and at the discretion of, a user. See, *e.g.*, ¶ [0012]. The MOF file therefore does not describe other data (*i.e.*, does not act as metadata), but represents the arbitrary aesthetic choices of the user. Those choices affect the display of data, but do not describe the data.

Appellants note the comment in the Examiner’s Answer that “MOF specifies (i) classes, (ii) properties, (iii) methods regarded as “meta-data” about MOF . . .” See p. 23 of the Examiner’s Answer. Appellants are unclear as to the meaning of this statement, and submit that the fact that “class schema” and “class instances” are defined in the MOF file (*see* ¶ [0013]) does not make the MOF file, or the contents thereof, metadata, with respect to one another or anything else.

Claim 8 recites, *inter alia*, “generating a time bar that divides time into segments having a size that depends upon the digital media files in the media view associated with a respective segment of time.” The Appeal Brief notes that *Rothmuller* discloses a timeline that divides time into uniformly-sized increments and is associated with a series of bar graphs sized according to the number of media files associated with the respectively indicated times. However, the bars of the bar graph of *Rothmuller* do not “divide time” within the timeline. See p. 10 of the Appeal Brief.

The Examiner’s Answer responds:

In response to appellant's argument [f] that the reference fails to show features of appellant's invention "the bars of the bar graph do not "divide time" within the timeline. It is however, noted that the features upon which appellant relies [the bars of the bar graph do not "**divide time" within the timeline**] are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed.Cir. 1993).

See p. 31 of the Examiner's Answer. However, it appears that the Examiner has misunderstood the argument in the Appeal Brief. The Appeal Brief simply indicates that the bars of the bar graph of *Rothmuller* are not segments resulting from a division of time of a time bar, as recited in Claim 8. Appellants' argument does not rely in any way on recitations not found in Claim 8.

CONCLUSION

For at least the foregoing reasons, as well as those presented in the Appeal Brief, Appellants respectfully request that the rejections be reversed.

Respectfully submitted,



Richard D. Emery
Registration No. 58,894

CUSTOMER NO. 00826
ALSTON & BIRD LLP
Bank of America Plaza
101 South Tryon Street, Suite 4000
Charlotte, NC 28280-4000
Tel Charlotte Office (704) 444-1000
Fax Charlotte Office (704) 444-1111
LEGAL02/31019485v1

ELECTRONICALLY FILED USING THE EFS-WEB ELECTRONIC FILING SYSTEM OF THE UNITED STATES PATENT & TRADEMARK OFFICE ON NOVEMBER 25, 2008.